

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-29 are pending in the application, with 1, 18 and 21 being the independent claims. Claims 1, 12, 24 and 25 are sought to be amended. New claim 30 is sought to be added. Support for new claim 30 may be found, for example, at paragraph [0030] of the present Specification. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 102

The Examiner has rejected claims 24 and 25 under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 7,281,220 to Rashkovskiy (“Rashkovskiy”). For the reasons set forth below, Applicants respectfully traverse.

Independent claim 24, as amended herein, is directed to a video selection canvas for display on a video display device. The video selection canvas comprises:

- a video selection field for displaying a list of a plurality of selectable video entry rows, wherein each of selectable video entry rows includes a video thumbnail and associated text information identifying the video thumbnail;

- a header field for displaying a user identifier, wherein the user identifier is associated with user preference information that includes information related to a user’s favorite channels; and

- an advertising field for displaying video advertisements;

wherein the video advertisements are targeted to a current user of the channel selection canvas;

wherein the current user is identified by a user identifier.

Rashkovskiy does not teach or suggest each and everyone of the foregoing features of claim 24. For example, Rashkovskiy does not teach or suggest at least an “advertising field for displaying video advertisements” that “are targeted to a current user of the channel selection canvas.”

For at least this reason, Rashkovskiy cannot anticipate claim 24. Dependent claim 25 is similarly not anticipated by Rashkovskiy for the same reason as independent claim 24, from which it depends, and further in view of its own respective features. Accordingly, Applicants respectfully request the rejection of claims 24 and 25 under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

Rejections under 35 U.S.C. § 103

Claims 1-9, 11, 15, 16, 18-23 and 26-29

The Examiner has rejected claims 1-9, 11, 15, 16, 18-23 and 26-29 under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,456,334 to Duhault (“Duhault”) in view of Rashkovskiy. For the reasons set forth below, Applicants respectfully traverse.

Independent claim 1, as amended herein, is directed to a channel selection canvas for display on a video display device. The channel selection canvas comprises:

a channel selection field for displaying a plurality of television channel video thumbnails;

a plurality of optional video selection fields for displaying ancillary video thumbnails from multiple sources, wherein the television channel video thumbnails and the ancillary video thumbnails are from different sources; and

a header field for displaying general information, wherein general information displays information based on a current condition.

The combination of Duhault and Rashkovskiy fails to teach or suggest each and every one of the foregoing features of claim 1. For example, Duhault and Rashkovskiy, alone or in combination, fail to teach or suggest at least the feature of “a plurality of optional video selection fields for displaying ancillary video thumbnails from **multiple sources**, wherein the television channel video thumbnails and the ancillary video thumbnails are from **different sources**.” (emphasis added).

Duhault describes a method and system for displaying multiple channels within a window. *See* Duhault, col. 1, lines 65-67. The purported benefits of the method and system described in Duhault include the “flexibility to monitor multiple programs at one time,” with the further “flexibility of a scalable window” to view the multiple programs within. *See* Duhault, col. 3, lines 42-48. Duhault employs the use of a first and second tuner in order to achieve these purported benefits. Each tuner is capable of receiving and providing a selected channel, or group of channels, from the **same** source, to a display device (i.e., both tuners receive the same signal and are therefore able to display the same channels).

For example, Duhault describes the situation where “tuner 2” is dedicated to the full-motion-video of a selected channel, and “in some implementations this will require the second tuner to dedicate all of its bandwidth to the full-motion-video and suspend updates” to other channels that were previously being updated by “tuner 2”. *See* Duhault, col. 4, lines 12-21. Duhault further states that, in this instance, the

channels with suspended updates will “either remain static, i.e., not be refreshed, or be updated by tuner 1.” *See* Duhault, col. 4, lines 21-24. Clearly, in order for “tuner 1” to update channels previously updated by “tuner 2”, both tuners must receive the **same** source or signal. The tuners of Duhault tune to various channels, i.e. band-limited portions, within the same source or signal.

In contrast to the teachings of Duhault, claim 1 recites “a plurality of optional video selection fields for displaying ancillary video thumbnails from **multiple sources**, wherein the television channel video thumbnails and the ancillary video thumbnails are from **different sources**.” (emphasis added). Duhault does not explicitly teach or suggest the display of video from multiple sources. At most Duhault describes the use of two tuners that receive the **same** signal and tune to various channels, i.e. band-limited portions, within the same signal.

Rashkovskiy does not cure the deficiencies of Duhault described above, nor does the Office Action allege this. Thus, the combination of Duhault and Rashkovskiy cannot render claim 1 obvious for at least the reasons noted above. Dependent claims 2-9, 11, 15, 16 and 26-29 are similarly not rendered obvious by the combination of Duhault and Rashkovskiy for the same reason as claim 1, from which they depend, and further in view of their own respective features. Accordingly, Applicants respectfully request that the rejection of claims 2-9, 11, 15, 16 and 26-29 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Independent claims 18 and 21 both recite the use of user preference information that “includes a user’s favorite channels for a given **time period**.” (emphasis added). The combination of Duhault and Rashkovskiy fails to teach or

suggest at least this feature of claims 18 and 21. In fact, on page 6 of the present Office Action, the Examiner explicitly agrees that Duhault fails to teach or suggest this feature. However, the Examiner contends that Rashkovskiy provides this missing feature. Specifically the Examiner states that “Rashkovskiy teaches a user’s favorite channels as claimed (as evidence see Rashkovskiy at col. 2 lines 4-15, Fig. 1, col. 3 lines 1-3).” *See* Office Action, page 6. Applicants respectfully disagree.

Initially, Applicants note that the Office Action omits any explanation of how the cited art renders the above noted feature of claims 18 and 21 obvious. At most, the Office Action provides the conclusory statement that “Rashkovskiy teaches a user’s favorite channels as claimed (as evidence see Rashkovskiy at col. 2 lines 4-15, Fig. 1, col. 3 lines 1-3).” However, this conclusory statement by the Examiner, and the portions of Rashkovskiy cited, in no way teach or suggest the use of user preference information that “includes a user’s favorite channels **for a give time period.**” (emphasis added). Applicants respectfully submit that this omission by the Office amounts to a failure to articulate a case of obviousness and the burden to rebut this “rejection” has not yet shifted to the Applicant.

Still further, Applicants have carefully reviewed Rashkovskiy and find no teaching of user preference information that “includes a user’s favorite channels for a given time period,” as recited by claims 18 and 21. In fact, Rashkovskiy, at most, mentions the use of categories for organizing video files, which are completely dissimilar to user preference information that includes a user’s favorite channels. *See* Rashkovskiy, col. 2, lines 4-15. Furthermore, even if we assume, *arguendo*, that Rashkovskiy teaches of user preference information that includes a user’s favorite

channels, Rashkovskiy still fails to teach or suggest preferences the include a user's favorite channels **for a given time period**, as recited by claims 18 and 21.

For at least the reasons provided above, the combination of Duhault and Rashkovskiy cannot render claims 18 and 21 obvious. Dependent claims 19, 20, 22 and 23 are similarly not rendered obvious by the combination of Duhault and Rashkovskiy for the same reason as claims 18 and 21, from which they depend, and further in view of their own respective features. Accordingly, Applicants respectfully request that the rejection of claims 18-23 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Claims 10, 12-14 and 17

The Examiner has rejected claims 10, 12-14 and 17 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Duhault in view of Raskovskiy, and in further view of the Background of the instant application. For the reasons set forth below, Applicants respectfully traverse.

Without acquiescing to the propriety of the rejection, Applicants submit that the Background of the instant application does not cure the deficiencies of Duhault and Raskovskiy with respect to independent claim 1, as noted above. Dependent claims 10, 12-14 and 17 are similarly not rendered obvious by the combination of Duhault, Raskovskiy and the Background of the instant application for the same reason as claim 1, from which they depend, and further in view of their own respective features. Accordingly, Applicants respectfully request that the rejection of claims 10, 12-14 and 17 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Michael D. Specht
Attorney for Applicants
Registration No. 54,463

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1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

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